

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KRZYSZTOF F. WOLINSKI,

Plaintiff,

v.

KERRI M. LAMAS, et al.,

Defendants.

No. 2:23-CV-1467-DJC-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil action. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On June 30, 2025, the Magistrate Judge filed findings and recommendations herein which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge's analysis.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations filed June 30, 2025, ECF No. 37, are adopted in full.

2. Defendants' motion to sever claims, ECF No. 29, is GRANTED.

3. This action shall proceed on Plaintiff's First Amendment claims against Defendants Lamas and Pender based on allegedly retaliatory conduct (first claim) and that all other claims and defendants are DISMISSED from this action.

4. The Clerk of the Court is directed to update the docket in this action to terminate the following as defendants: Jason Schultz, Singh, Nandy, Osman, Tran, Butterfield, and Berumen.

5. The Clerk of the Court is directed to open two new actions based on the original complaint in this action, the first such new action to proceed on Plaintiff's Eighth Amendment claims against Defendants Butterfield, Singh, Lamas, and Schultz arising from the alleged use of excessive force on January 25, 2022 (second claim), the second such action to proceed on Plaintiff's Eighth Amendment medical care claims against Defendants Tran, Osmon, and Nandy (third claim), and that both new actions be assigned to the same District Judge and Magistrate Judge as the above-captioned action.

6. In all three actions, Defendants shall file responses to Plaintiff's claims within 30 days of the date of this order.

7. This matter is referred back to the assigned Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: **August 22, 2025**

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE

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